

During 2014, the administration of President Ma Ying-jeou continued to pursue closer ties with China. However, this policy encountered significant public opposition. Having signed the bilateral Economic Cooperation Framework Agreement (ECFA) trade pact in 2010, the two governments agreed to a follow-on deal in June 2013 that would open up their service sectors. When the Ma administration sought to expedite the passage of the accord through the parliament in March 2014, a group of students broke into the parliament building to protest the move. This triggered large-scale demonstrations—later dubbed the Sunflower Movement—against the agreement on trade in services. Students ultimately occupied the legislature for 24 days, and briefly occupied executive branch offices before being forcibly removed by police. The trade agreement had yet to be approved at year's end.

Meanwhile, the ruling nationalist Kuomintang (KMT) party suffered a major defeat in municipal elections held in November, winning in only six of 22 cities and counties. Many observers attributed the results to widespread dissatisfaction with the Ma administration's focus on forging closer ties with China and lack of attention to widening income disparity and sluggish economic growth.

Political Rights and Civil Liberties:

### **Political Rights: 37 / 40 (+1) [Key]**

#### **A. Electoral Process: 12 / 12 (+1)**

The president is directly elected for up to two four-year terms, appoints the prime minister, and can dissolve the national legislature (Legislative Yuan), which consists of 113 members serving four-year terms. The Executive Yuan, or cabinet, is made up of ministers appointed by the president on the recommendation of the prime minister. The three other branches of the government are the judiciary (Judicial Yuan), a watchdog body (Control Yuan), and a branch responsible for civil-service examinations (Examination Yuan). Direct elections for both the president, since 1996, and for the legislature, since 1991, have been considered generally free.

President Ma, the candidate of the ruling KMT party, won a second term in the 2012 presidential election. The KMT also retained its majority in concurrent legislative elections, taking 64 seats. The pro-independence Democratic Progressive Party (DPP) kept its status as the main opposition faction with 40 seats, and the remainder went to independents and smaller parties.

Elections in Taiwan are administered by the Central Election Commission. To maintain its impartiality, the law mandates that no political party may hold more than one-third of the seats on the commission. Since 2007, instances of vote buying and other electoral irregularities have gradually waned thanks to tighter enforcement of anticorruption laws.

#### **B. Political Pluralism and Participation: 15 / 16**

Taiwan's multiparty system features vigorous competition between the two major parties, the KMT and the DPP. Opposition parties are able to function without interference. The KMT has dominated both the executive and legislative branches since 2008. It holds a clear advantage in campaign funding from the

business sector, which in general favors the Ma administration's China-friendly policy. Nevertheless, the opposition parties have been able to compete freely during elections, including the November 2014 municipal elections, which marked a significant defeat for the KMT. The voting also featured important victories for independent candidates, including in the Taipei mayoral race.

### **C. Functioning of Government: 10 / 12**

Though significantly less pervasive than in the past, corruption remains a problem in Taiwan. Politics and big business are closely intertwined, leading to malfeasance in government procurement. In October, Taipei city council member Lai Su-ju was sentenced to 10 years in prison for soliciting a bribe from a company seeking a construction contract from the city. She had close ties to the president and had held high positions in the KMT.

Former president Chen Shui-bian of the DPP, serving a 20-year prison sentence for corruption, was seeking medical parole at the end of 2014. The authorities have been accused of denying him adequate care behind bars, leading to deterioration in his health, and he reportedly attempted suicide in June.

Taiwan was ranked 35 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index.

### **Civil Liberties: 51 / 60 (-1)**

#### **D. Freedom of Expression and Belief: 14 / 16**

Taiwan's media reflect a diversity of views and report aggressively on government policies and corruption allegations, though many outlets display strong party affiliation in their coverage. Beijing has exerted growing influence on Taiwanese media. A number of media owners have significant business interests in China or rely on advertising by Chinese companies, leaving them vulnerable to pressure and prone to self-censorship on topics considered sensitive by the Chinese government. Pro-Beijing advertisements disguised as news are often placed in Taiwanese media. The government refrains from restricting the internet.

During the Sunflower Movement in 2014, there were various instances of police restricting journalists' ability to cover the protests. A number of journalists and photographers were reportedly assaulted or manhandled by police on March 23, before and during the operation to remove protesters from the Executive Yuan.

Taiwanese of all faiths can worship freely. Religious organizations that choose to register with the government receive tax-exempt status. Educators in Taiwan can generally write and lecture without interference.

#### **E. Associational and Organizational Rights: 10 / 12 (-1)**

Freedom of assembly is largely respected in Taiwan, although the authorities employed somewhat harsher methods in response to the large-scale demonstrations of 2014, which featured a spike in youth

participation. Officials' handling of the Sunflower Movement protests in March drew particular criticism, as police were accused of using excessive force while expelling students from the Executive Yuan. Police reportedly used water cannons and tear gas, swung batons at unarmed protesters, and struck seated protesters with riot shields. More than 150 people were injured, and many were hospitalized.

Taiwan's Assembly and Parade Law enables police to prosecute protesters who fail to obtain a permit or follow orders to disperse. In 2014, there was an increased use of criminal charges against protesters in an attempt to discourage them from organizing or participating in further demonstrations. In the wake of the Sunflower Movement, the authorities made recommendations for indictment against at least 171 protesters, compared with a total of 70 recommendations in 2013. Police reportedly questioned more than 400 individuals following the protests. In April, the Ministry of Interior proposed using preemptive detention against protesters who have a record of violating the law during demonstrations. The announcement generated extensive criticism.

All civic organizations must register with the government, though registration is freely granted. Nongovernment organizations typically operate without harassment.

Trade unions are independent, and most workers enjoy freedom of association. However, military personnel and government employees (with the exception of teachers) are barred from joining unions and bargaining collectively.

## **F. Rule of Law: 14 / 16**

Taiwan's judiciary is independent, and trials are generally fair. However, scandals at the Ministry of Justice and its Special Investigation Division (SID) have raised concerns about political interference and illegality among prosecutors. The SID is tasked with investigating high-profile cases. In March, Prosecutor General Huang Shih-ming, who leads the division, was sentenced to 14 months in prison for disclosing wiretapped conversations involving the speaker of the Legislative Yuan to President Ma. The scandal prompted calls to abolish the SID.

Police largely respect the ban on arbitrary detention, and attorneys are allowed to monitor interrogations to prevent torture. Family members of inmates facing the death penalty are typically not informed about scheduled dates of executions. Despite international criticism, Taiwan put five inmates to death in April. The execution of the brothers Tu Ming-lang and Tu Ming-hsiung was especially controversial. They were accused of murdering five people at a chemical plant in Guangdong, China, in 2001. The Taiwanese court convicted them using evidence provided by Chinese authorities pursuant to a 2009 cross-strait agreement on legal assistance that has never been subjected to Taiwanese legislative review. The prosecutor's case relied mostly on confessions and witness accounts obtained by China's Public Security Bureau. Rights groups claimed that the testimonies were contradictory and tainted given the nature of China's justice system, which is rife with corruption and abuse.

The constitution provides for the equality of all citizens, though the island's indigenous people continue to face social and economic discrimination. Disputes over their reserve lands have continued, as efforts to pass the Indigenous Autonomy Act stalled in 2013. Taiwanese law prohibits discrimination in employment based on sexual orientation, and violence against LGBT (lesbian, gay, bisexual, and transgender) people is adequately addressed by police.

Taiwanese law does not allow for asylum or refugee status, and a 2010 bill that would address the problem was under legislative review at the end of 2014.

## **G. Personal Autonomy and Individual Rights: 13 / 16**

Restrictions on travel between Taiwan and China have been gradually eased in recent years. A program launched in 2011 allows Chinese tourists to travel to Taiwan without supervision. The daily quota has increased from 500 in 2011 to 8,000 for the peak season in 2014.

In recent years, urban renewal projects and conversions of agricultural land for industrial or residential use have been criticized for unfairly displacing residents and leading hundreds of families to live in informal settlements. In 2013, the Constitutional Court found parts of the Urban Renewal Act to be unconstitutional; the act only requires agreement from 10 percent of the residents for a renewal project to be approved by the local government. However, revisions to the law remained stalled in the Legislative Yuan at the end of 2014.

The constitution guarantees women equal rights, though Taiwanese women continue to face discrimination in employment and compensation. After the 2012 elections, women held 30 percent of the seats in the legislature. Sex trafficking remains a problem, with women originating in China or Southeast Asia often among the victims.

While same-sex marriage is not permitted, a bill that would amend the civil code to legalize such unions was introduced in 2013. Supporters and opponents of the bill organized demonstrations during 2014, and it remained under consideration at year's end.

According to official statistics, there were approximately 503,000 foreign workers in Taiwan in 2014. Migrant workers are not covered under basic labor laws, such as the Fair Labor Standards Act and the Labor Safety and Health Act, rendering them vulnerable to abuse and exploitation. Household workers in particular are often subject to wages lower than the legal minimum, long hours with little weekly rest, and sexual harassment. Exploitation of foreign workers is also common in the fishing industry. In April, a court in Cambodia sentenced a Taiwanese national to 10 years in prison for running a recruitment firm that trafficked hundreds of Cambodian fishermen to work in abusive conditions on Taiwanese vessels.

### **Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

### **Full Methodology**